

PATENT
ATTORNEY DOCKET: 46884-5455

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
Masataka NISHIKAWA et al.) Confirmation No.: 2773
Application No.: 10/568,685) Group Art Unit: 1797
Filed: February 17, 2006) Examiner: Jameson Q. Ma
For: READER FOR IMMUNOCHROMATO-)
GRAPHIC TEST, CARTRIDGE)
APPLICABLE TO THIS, AND SYSTEM)
FOR EXAMINING)
IMMUNOCHROMATOGRAPHIC)
TEST PIECE)

Commissioner for Patents
U.S. Patent and Trademark Office
Alexandria, VA 22314

Sir:

SUBMISSION OF CHINESE OFFICE ACTION

An Office Action dated May 8, 2009 that issued in a counterpart Chinese patent application and having documents cited therein is attached for the Examiner's consideration.

While the Chinese Office Action dated May 8, 2009 cites to Japanese Patent Application Laid-Open No. 2002-228662, this document is not attached hereto because it was previously cited in an Information Disclosure Statement in this application on February 17, 2006.

While the Chinese Office Action dated May 8, 2009 cites to U.S. Patent No. 6,394,952, this document is not attached hereto because it was previously cited by the USPTO in an Office Action dated September 4, 2008 that issued in this application.

Finally, while the Chinese Office Action dated May 8, 2009 cites to WO00/033072, Japanese document no 2002-531827, which corresponds to WO00/033072, was previously cited in an Information Disclosure Statement in this application on February 17, 2006. Also, a copy of the cover sheet for WO00/033072, including a corresponding English-language abstract for Japanese Document No. 2002-531827, was included with the Information Disclosure Statement that was previously-filed in this application on February 17, 2006. Applicants attach hereto a complete version of the WO00/033072 to ensure that the Examiner has a copy of such for consideration. Applicants respectfully request that the Examiner consider the listed documents.

This submission does not represent that a search has been made or that no better art exists and does not constitute an admission that any of the listed documents are material or constitutes “prior art.” If it should be determined that any of the listed documents do not constitute “prior art” under United States law, Applicants reserve the right to present to the Office the relevant facts and law regarding the appropriate status of such documents.

Applicants further reserve the right to take appropriate action to establish the patentability of the disclosed invention over any of the listed documents, should any of the documents be applied against the claims of the present application.

Except for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this Application, including fees due under 37 C.F.R. §§ 1.16 and 1.17 which may be required and

including any required extension of time fees, *or* credit any overpayment to Deposit Account No. 50-0573. This paragraph is intended to be a **CONSTRUCTIVE PETITION FOR EXTENSION OF TIME** in accordance with 37 C.F.R. § 1.136(a)(3).

Respectfully submitted,

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By:

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Dated: July 7, 2009

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